

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO.: 05-11170MEL

JULIA HEAVERN, BY HER PARENTS AND)
NEXT FRIENDS, DENISE AND PAUL HEAVERN,)
NICOLE HEAVERN, BY HER PARENTS AND)
NEXT FRIENDS, DENISE AND PAUL HEAVERN,)
KERIN MITCHELL, BY HER PARENTS AND)
NEXT FRIENDS, ELLEN AND JIM MITCHELL,)
TAYLOR VIEIRA, BY HER PARENTS AND)
NEXT FRIENDS, KATHY AND STEVE VIEIRA,)
AND BRIAN VIEIRA, BY HIS PARENTS AND)
NEXT FRIENDS, KATHY AND STEVE VIEIRA)
Plaintiffs)
v.)
MARRIOTT INTERNATIONAL, INC. AND)
ZURICH NORTH AMERICA)
Defendants)

FED. R. CIV. P. LOCAL RULE 16.1(D) JOINT STATEMENT
REGARDING PRETRIAL SCHEDULE

Now come the parties in the above captioned cause and hereby respectfully submit pursuant to the Court's Order of June 10, 2005, Fed. R. Civ. P. 16(b) and Local Rule 16.1(D) their joint proposed pretrial schedule. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held telephonically and was attended by Garrett Bradley, Attorney for Plaintiffs; Keith L. Sachs, Attorney for Defendant Marriott; and Gina Fonte, Attorney for Defendant, Zurich North America.

1. Initial Disclosures. The parties will exchange by August 15, 2005, the information required by Fed. R. Civ. P. 26(a)(1) and Local Rule 26.1(B).

2. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

Written Discovery: Written discovery shall be completed by October 14, 2005. The parties agree to a maximum of 30 interrogatories by each party to any other party. Responses shall be due 45 days (plus 3 days for mailing) after service. The parties further agree to a maximum of 30 requests for admission by each party to any other party. Responses thereto shall be due 30 days (plus 3 days for mailing) after service.

Depositions: Depositions shall be completed by April 1, 2006.

Independent Medical Examinations: Examinations of all plaintiffs shall be completed by May 1, 2006.

Expert Disclosures: Reports from experts under Rule 26(a)(2) shall be due as follows:

- from the Plaintiffs by June 1, 2006; and
- from the Defendants by June 30, 2006.

Dispositive Motions: All potentially dispositive motions should be filed no later than July 15, 2006, and Oppositions thereto shall be filed no later than July 30, 2006.

Pre-Trial Conference: August 15, 2006

Trial: By September 30, 2006

3. Other Items.

Proposed Agenda Of Matters To Be Discussed At The Scheduling Conference:

Pursuant to Local Rule 16(B)(1), the parties hereby propose the following agenda of matters to be discussed at the Scheduling Conference:

- a) Informing the Court the Zurich will be filing a Motion for Summary or in the alternative a Motion to Sever and Stay the Chapter 93A claim pending a determination as to liability;
- b) Discussing the issue of amending the pleadings to reflect the proper name of the defendant, "Capital Hotel Group";
- c) Discussing the parties' proposed pre-trial schedule;

4. Settlement

The parties have not come to any agreement as to settlement.

5. Use of Magistrate.

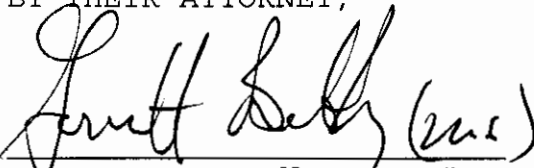
Marriott agrees to reference to Magistrate Judge Dein.

6. Certification of Counsel and Parties:

By signing this Joint Statement Regarding Pretrial Schedule (or any counterpart), each party and the party's respective counsel represent that she, he or its authorized representative have met and conferred with counsel with a view toward establishing a budget for the costs of conducting the full course - and various alternative courses - of litigation; and to consider the resolution of

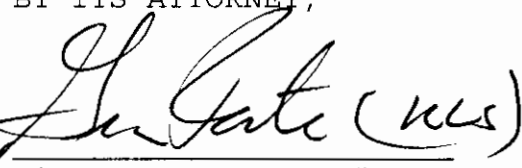
the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

THE PLAINTIFFS,
JULIA HEAVERN ET AL,
BY THEIR ATTORNEY,


Garrett J. Bradley, BBO# 629240
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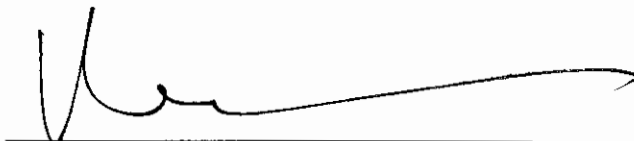
Date: 7/8/05

THE DEFENDANT,
ZURICH NORTH AMERICA,
BY ITS ATTORNEY,


Gina A. Fonte, BBO#642367
Hermes, Netburn, O'Connor
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Date: 7/8/05

THE DEFENDANT,
MARRIOTT INTERNATIONAL, INC.,
BY ITS ATTORNEY,


Keith L. Sachs, BBO# 634025
Boyle, Morrissey & Campo, P.C.
695 Atlantic Avenue
Boston, MA 02111
617-451-2000

Date: 7/8/05

CERTIFICATE OF SERVICE

Pursuant to Mass. R. Civ. P. 5(a) and/or Sup. Ct. R. 9A, I, Keith L. Sachs, do hereby certify that a copy of the foregoing documents have been served first-class postage prepaid on all parties or their representatives in this action as listed below:

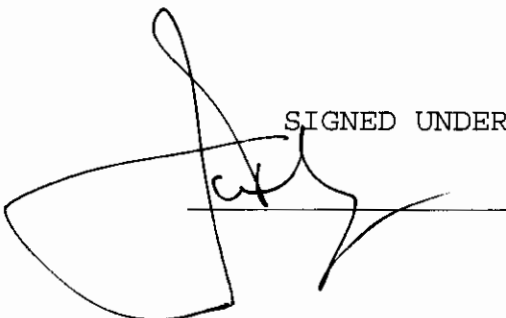
COUNSEL FOR THE PLAINTIFF

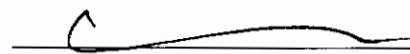
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COUNSEL FOR ZURICH NORTH AMERICA

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SIGNED UNDER THE PENALTIES OF PERJURY THIS 30 DAY OF

 , 2005


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